



City of Albuquerque

Legislative File Number AC-06-7 (version 1)

INTER-OFFICE MEMORANDUM

February 14, 2006

AC-06-7 - 05EPC-01808; Project #1004564 Lance G. DeYoung appeals the decision of the Environmental Planning Commission to approve a Site Development Plan for Building Permit request, for all or a portion of Lots 19-22, Block 21, Tract A, Unit A, North Albuquerque Acres, zoned SU-2/O-1, located on Palomas Ave NE between Barstow NE and Wyoming Blvd NE, containing approximately 3.5 acres. (D-19) Carmen Marrone, Staff Planner.

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This is an appeal of the Environmental Planning Commission's (EPC) January 19, 2006 decision to approve a Site Development Plan for Building Permit to construct a 3-story Retirement Home on approximately 3.5 acres located on Palomas Avenue NE between Wyoming and Barstow. The site is zoned SU-2/O-1 per the *La Cueva Sector Development Plan*. The proposed use is allowed under the current zoning. The Planning Department recommended approval of the request and the EPC unanimously approved the request.

STANDING:

Mr. Lance DeYoung, on his own behalf, submitted the appeal in a timely manner. Mr. DeYoung resides within 300' of the subject site and therefore has standing to bring the appeal forward.

GROUND FOR APPEAL:

Although the appellant does not specifically cite one or more alleged errors as required under Section 14-16-4-4(B)(3) of the Zoning Code, it appears that the appellant is claiming that (a) the EPC erred in applying adopted city plans, policies and ordinances in arriving at their decision.

Below is a list of the appellant's arguments (**in bold text**) followed by responses from the City of Albuquerque Planning Department:

1. The proposed 3-story, 118-unit Retirement Center does not respect existing neighborhood values (required by the *Comprehensive Plan* Policy 5d) because it would be the only 3-story structure north of Palomas Ave. NE and south of Paseo del Norte.

The height of the Retirement Home meets the requirements of the O-1 (Office/Institution) zone. The appellant is correct in stating that the Retirement Home will be the only 3-story structure along Paseo del Norte, however, this is the situation as it stands today. There is vacant property east and west of the subject site with similar zoning. Development of those sites could result in structures of a similar height. Furthermore, the appellant lives in a small residential development southeast of the site. The homes in this development are mostly two-story. The 3-story Retirement Home provides a reasonable transition between the two-story homes to the south and Paseo del Norte and the La Cueva Town Shopping Center to the north.

With regard to "neighborhood values", affected neighborhood associations were in general support of the subject request. Mr. DeYoung is basically alone in his appeal of the EPC decision.

2. The height of the Retirement Home should be measured from the low point elevation of the property rather than a midpoint or highpoint reference.

Under the O-1 zone, Section 14-16-2-15, building height is measured from the horizontal at the *mean* (emphasis added) grade along each internal boundary of the premises and each adjacent public right-of-way. The grade at the east end of the site is 5460' while the grade at the west end is 5440' (approximately). The building is measured from a finished floor of 5450.5' (the mean grade). In addition, Palomas Avenue, adjacent to the site, slopes similarly with the site. The EPC did not err in applying the height requirements of the O-1 zone.

In conclusion, the Planning Department believes that this appeal lacks merit and substance and that the EPC acted in accordance with the applicable plans, policies, and ordinances. The Planning Department recommends denial of the subject appeal.

APPROVED:

Jack Cloud, Interim Manager

Development Review Division
Planning Department

x:share/council/appeals/2006/ac-06-7